

Application No. 10/808/237
Amendment Dated 9/26/2005
Reply to Office Action of 6/24/2005

Remarks/Arguments

Claims 1-20 are presently pending. Claim 1, 10 and 18 are currently amended. Claims 19-20 are new.

The Preliminary Amendment, filed on March 23, 2004, previously amended the first sentence of the application to claim the benefit of U.S. provisional application serial number 60/524,143, filed November 21, 2003 under 35 U.S.C. 119(e).

Claims 1-18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-26 of copending application number 10/808,119. Accordingly, Applicants have submitted a "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application" to address the foregoing rejection. Applicants request a withdrawal of the foregoing rejection.

Claims 1-18 were rejected under 35 U.S.C. 102(b) and under 103(a) as being unpatentable over U.S. Pat. No. 5,667,032 (Kamlukin). This rejection is respectfully traversed for the following reasons.

Kamlukin discloses a self-propelled mower with low radius pivoted rear wheel steering. A "steering gear is connected to each rear wheel so as to steer said wheels in unison about a locus of projections of axes of axles of said rear wheels." (Col. 7, lines 1-5.) Kamlukin applies rotational energy to the rear wheels via a differential and a double universal joint (Col. 1, lines 60-67.) "The front wheels may be steerable or free pivoted casters." (Abstract.) FIG. 3 illustrates the case where all four wheels are steerable.

Truncating the rear corners 26A and 26B of main frame 26 "creates a space inward of each rear wheel 12 and 14 within which each rear wheel can be turned at a high angle so as to bring the locus 99 of the axes of the tractor wheels in close (as shown in FIG. 3), at, or even under the lateral extremity 101 of the mower deck 103. In practicing the invention, it is preferred that the locus 99 be located within at most 4 inches of the extremity 101, and preferably within 2 inches." (Col. 4, lines 60-67 and Col. 5, lines 1-7.)

"FIG. 11 illustrates how any one of the previously described embodiments may be maneuvered around a right angle corner so as to cut grass growing at the corner of the building. In position A, the tractor is approaching the corner and has not

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yet begun turning. In position B, when the extreme lateral edge 101 of the mower deck 103 has come even with the corner, the driver commences turning the wheels so as to steer around the corner and, since the center of the turning radius is essentially at the extremity 101 of the mower deck 103, the edge of the mower deck follows the corner almost exactly, thereby cutting essentially all of the grass growing around the corner. Thus, grass growing at the corner can be cut without having to back up or make a second pass, and with only minimal finish trimming, if any." (Col. 5, lines 54-67.) The top view of the mower deck 103 generally has a wing-shape. (FIG. 2 and FIG. 3).

Kamlukin does not meet claim 1. Kamlukin lacks a mowing deck comprising three generally semi-circular sections as set forth in claim 1. Instead, Kamlukin has a wing-shaped mower deck as shown in FIG. 2 and FIG. 3. Further, Kamlukin lacks indentations in the mowing deck in which the wheels may reside. Claim 1 calls for a mower "with a mowing deck comprising three generally semi-circular sections having corresponding centerpoints that are substantially equidistant to a geometric center point of the mower," where each of the wheels is "located within a corresponding indentation in the mowing deck." For the foregoing reasons, Applicants respectfully request the withdrawal of the rejection of claim 1 along with claims 2-9, which depend upon claim 1.

Kamlukin does not meet claim 10. Kamlukin discloses embodiments of mowers with two steerable wheels, or four steer wheels; but not three steerable wheels. Further, nothing in Kamlukin teaches or suggests rotation of a first axis or a second axis of rotation "generally coincident with a centerpoint, of the mower," as recited in claim 10. Instead, Kamlukin merely discloses rotation of approximately 90 degrees about an extremity 101 of the mower deck, as illustrated in FIG. 11 and in corresponding text. (Col. 5, lines 54-67.) Although all four wheels of Kamlukin may be steered, Kamlukin does not teach or suggest rotating about a center point, of the vehicle, which is associated with substantially uniform radii to the three steerable wheels. For the foregoing reasons, Applicants respectfully request the withdrawal of the rejection of claim 10 along with claims 11-17, which depend upon claim 10.

Kamlukin does not meet claim 18. Kamlukin discloses embodiments of mowers with two or four steerable wheels; but not three steerable wheel assemblies as claimed in claim 18. Further, Kamlukin does not rotate the wheels "by

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approximately 90 degrees" with respect to a steered axis or axes, as set forth in claim 18. The rear wheels of Kamlukin are driven by universal joints, (Col. 1, lines 60-67) which makes wheel rotation through a full 90 degrees technically infeasible. The maximum practical working angle of a universal joint is generally less than 90 degrees of misalignment, as is known to one of ordinary skill in the art. Instead, Kamlukin rotates the vehicle approximately 90 degrees with respect to the extremity 101 or locus point (FIG. 11 and Col. 5, lines 54-57), as opposed to the steered axis associated with each corresponding wheel assembly

Claim 18 now recites a "mower comprising three wheel assemblies driven by at least one drive motor mounted on a respective one of the wheel assemblies." For the foregoing reasons, Applicants respectfully request the withdrawal of the rejection of claim 18.

Additional modifications neither taught, nor suggested by Kamlukin would be necessary to meet the claims 1-20. In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested. The Director or Commissioner of Patents is authorized to charge Deposit Account 04-0525 in the amount of \$130 under 37 C.F.R. 1.20(d) for the filing of the Terminal Disclaimer accompanying this Amendment. Any other fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.

Respectfully,




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